

States' Obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, in the Context of Climate Change



The Committee on the Elimination of Discrimination against Women (CEDAW) monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) adopted in 1979. The Convention has been ratified by 189 States. The Committee comprises 23 independent experts and meets three times a year in Geneva.

The CEDAW Convention's prime objective is the prohibition of all forms of discrimination against women (article 2). The States parties have the obligation to take all appropriate measures, including legislation, to ensure the full development and advancement of women in all fields, in particular in the political, social, economic, and cultural fields (article 3). These general obligations

are particularly relevant to climate policies given the disproportionate impact of climate change on women and the impact of climate policies that ignore the gender dimension. The CEDAW Convention obliges States to guarantee women the right to participate in creating and implementing government policy. In addition, the CEDAW Convention requires States to take into account the particular problems faced by rural women and to guarantee that they enjoy the right to adequate living conditions, including in relation to housing, sanitation, and water (article 14).

In its General Recommendation No. 27 on older women and protection of their human rights (2010), the CEDAW highlighted that "climate change impacts differently on women, especially older women

who, due to their physiological differences, physical ability, age and gender, as well as social norms and roles and an inequitable distribution of aid and resources relating to social hierarchies, are particularly disadvantaged in the face of natural disasters." The Committee consequently emphasized that "States parties should ensure that climate change and disaster risk-reduction measures are gender-responsive and sensitive to the needs and vulnerabilities of older women. States parties should also facilitate the participation of older women in decision-making for climate change mitigation and adaptation."

The CEDAW also addresses the impacts of climate change on the rights of rural women in its General Recommendation No. 34 (2016). The Committee stresses that "States par-

ties should address specific threats posed to rural women by climate change... They should alleviate and mitigate these threats and ensure that rural women enjoy a safe, clean and healthy environment. They should effectively address the impact of such risks on rural women in the planning and implementation of all policies concerning the environment, climate change, disaster risk reduction, preparedness and management and ensure the full participation of rural women in designing, planning and implementing such policies.”

In 2016, the CEDAW began drafting a General Recommendation on gender-related dimensions of disaster risk reduction in the context of climate change. This General Recommendation is expected to be adopted at the February 2018 session of the Committee. While the CEDAW’s main focus in the General Recommendation is on policy

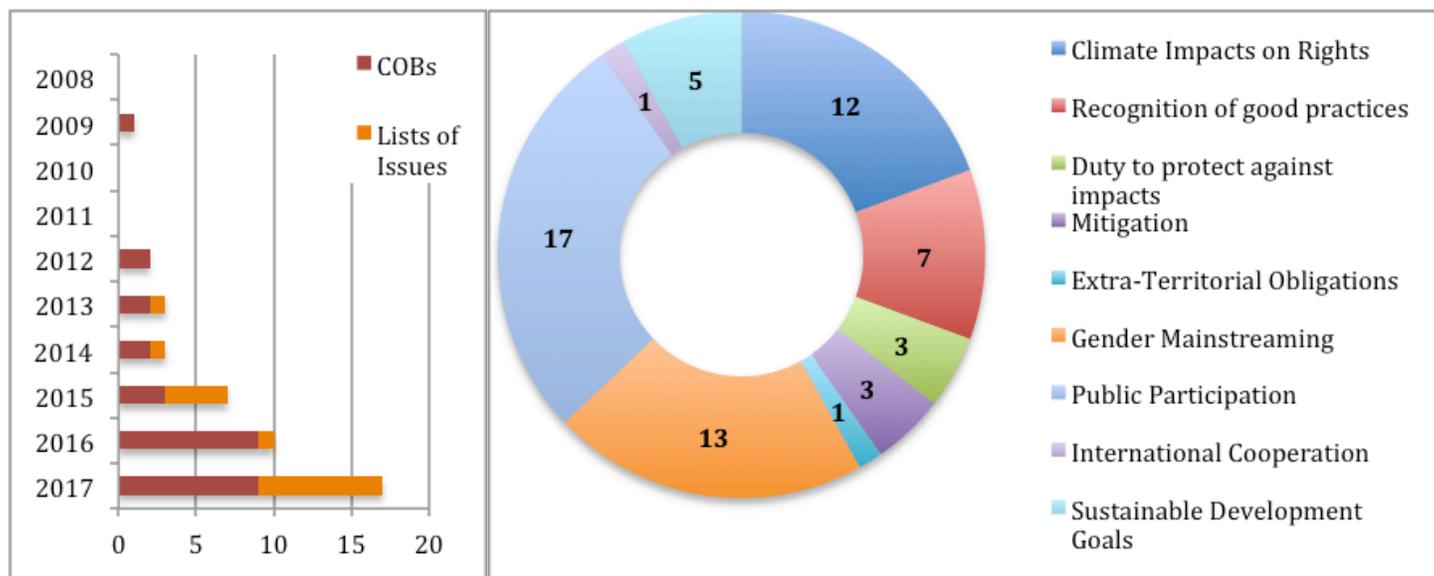
designed to address climate impacts and climate-related disasters, the draft text also stresses that “limiting fossil fuel use and greenhouse gas emissions and the harmful environmental effects of extractive industries such as mining and fracking, as well as the allocation of climate financing, are regarded as crucial steps in mitigating the negative human rights impact of climate change and disasters.” The committee further emphasizes that “any measures to mitigate and adapt to climate change should be designed and implemented in accordance with the human rights principles of participation, accountability, non-discrimination, empowerment, transparency and rule of law.”

The draft General Recommendation stresses the following three general principles of the CEDAW Convention as particularly relevant to guide climate action and disaster risk reduction: substantive equality and

non-discrimination; participation and empowerment; and accountability and access to justice. It also elaborates on the protection of the rights guaranteed under the Convention in the context of climate change, in relation to six areas of particular concern: gender-based violence; migration and forced displacement; the right to health; the right to an adequate standard of living; the right to education and information; and the right to work and social protection.

Overview of References to Climate Change in CEDAW Concluding Observations

The CEDAW has increasingly included in its Concluding Observations recommendations related to the protection of the rights of



Breakdown of references to climate change in the Concluding Observations (COBs) adopted by the CEDAW Committee, by year and by theme (some COBs include several themes)

Please note that the data provided in this synthesis note only includes references that explicitly mention climate change. Other Concluding Observations adopted by the Committee, such as in relation to extractive industries or disaster risk reduction, may also be relevant.

women in the context of climate change. Most of these references have highlighted the concerns of the Committee in relation to the adverse impacts of climate change on the rights of women. The CEDAW has focused its recommendations most particularly on climate-induced disasters. The importance of mainstreaming gender perspectives in climate responses and ensuring the effective participation of women in decision-making and policy implementation is also stressed in the majority of these recommendations. Building on the specific obligation of States to protect the rights of rural women (article 14), in many instances the CEDAW has stressed the particular exposure of these women to climate-related risks and recommended that these risks be taken into consideration in the design of climate policies. The CEDAW has also stressed more recently that the prohibition of discrimination against women requires States to mitigate climate change effectively, given the disproportionate impacts of climate change on women.

Compilation of Concluding Observations Adopted by the CEDAW on Climate Change

This section provides a compilation of Concluding Observations adopted by the CEDAW regarding the interpretation of States' obligations under the CEDAW Convention in relation to key aspects of climate policies. We provide below examples of COBs addressing common

or important themes and list other examples of relevant COBs in the endnotes.

Disproportionate impact on women, especially rural women

“The Committee also notes with concern the differentiated gender impact of climate change and recurring natural disasters, including severe drought, landslides and earthquakes, on women.”

– CEDAW Concluding Observations on Peru (2014)

“[The Committee] is concerned that the impact of climate change, the rise in the sea level and other climate-related disasters affect rural women disproportionately, given that they rely heavily on access to natural resources for their daily survival.”

– CEDAW Concluding Observations on Vanuatu (2016)¹

Mainstreaming a gender perspective in climate-related action

“The Committee recommends that the State party: (...) (b) Ensure that the development and implementation of policies and programmes on disaster preparedness, response to natural disasters and the impacts of climate change, as well as other emergencies, are based on a comprehensive gender analysis, and mainstream the concerns of women, particularly those of rural women, in all policies and programmes.”

– CEDAW Concluding Observations on Jamaica (2012)²

Protecting the rights of persons displaced by climate change

“The Committee reiterates its previous recommendation that the State party:

(a) Develop disaster management and mitigation plans in response to potential displacement and/or statelessness arising from environmental and climate change and ensure that women, including those living on the outer islands, are included and may actively participate in planning and decision-making processes concerning their adoption.”

– CEDAW Concluding Observations on Tuvalu (2015)

Participation of women in climate-related decision making

“The Committee recommends that the State party: (...) (c) Further ensure that women are actively involved in decision-making on the policies and programmes for disaster prevention and management, especially those relating to climate change adaptation and mitigation.”

– CEDAW Concluding Observations on Cambodia (2013)

“The Committee recommends that the State party continue to strengthen the role of women in implementing the Sustainable Development Goals and the 2030 Agenda for Sustainable Development and in related climate change issues.”

– CEDAW Concluding Observations on Iceland (2016)

“The Committee recommends that the State party ensure the participation of women in the preparation, adoption and implementation of national policies and programmes on climate change, disaster response and risk reduction and include an explicit gender perspective in such policies. It also recommends that the State party establish mechanisms at the local, state and national levels to assess the impact of environmental policies on women.”

– CEDAW Concluding Observations on Micronesia (2017)³

Guaranteeing climate education, empowerment, and employment

“The Committee recommends that the State party: (...) (b) Explore investment and employment opportunities for women through investments in renewable energy while combating the adverse effects of climate change in the context of its efforts to implement Sustainable Development Goals 5, 7 and 13.”

– CEDAW Concluding Observations on Nigeria (2017)

Relationship between human rights, climate change, and Agenda 2030

“The Committee recalls the importance of the goal 5.1.1 and commends the positive efforts of the State party to implement sustainable development policies, including measures to address climate change.”

– CEDAW Concluding Observations on Oman (2017)⁴



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Request for additional information in future reporting

“The Committee recommends that the State party provide, in its next periodic report, information on: (a) The participation of women in the development and implementation of the plan; (b) Best practices in adaptation and mitigation measures identified from a gender perspective.”

– CEDAW Concluding Observations on Oman (2017)

Reduction of greenhouse gas emissions, including those resulting from fossil fuel extraction

“The Committee commends the State Party for its International Cooperation Programmes, however, it is concerned that continuing and expanding extraction of oil and gas in the Arctic by the State party and its inevitable greenhouse gas emissions undermines its obligations to ensure women’s substantive equality with men, as climate change disproportionately impacts women, especially

in situations of poverty, since they are more reliant on natural resources for their livelihoods than men and have lesser capacity to deal with natural hazards.

“The Committee recommends that the State party review its climate change and energy policies, and specifically its policy on extraction of oil and gas, to ensure it takes into account the disproportionate negative impacts of climate change on women’s rights.”

– CEDAW Concluding Observations on Norway (2017)

Endnotes

1. See also the CEDAW COBs on Tuvalu (2009), Jamaica (2012), Cambodia (2013), Solomon Islands (2014), Tuvalu (2015), Maldives (2015), Mongolia (2016), Bangladesh (2016), Argentina (2016), Honduras (2016), Micronesia (2017), Burkina Faso (2017), Nauru (2017), Kenya (2017)
2. See also the CEDAW COBs on Grenada (2012), Seychelles (2013), Solomon Islands (2014), Tuvalu (2015), Trinidad and Tobago (2016), Philippines (2016), Mongolia (2016), Bhutan (2016), Barbados (2017)
3. See also the CEDAW COBs on Seychelles (2013), Peru (2014), Solomon Islands (2014), Tuvalu (2015), Maldives (2015), Mongolia (2016), Bhutan (2016), Trinidad and Tobago (2016), Vanuatu (2016), Bangladesh (2016), Argentina (2016), Honduras (2016), Philippines (2016), Burkina Faso (2017), Barbados (2017), Nauru (2017), Kenya (2017)
4. See also the CEDAW COBs on South Korea (2017), Norway (2017), Kenya (2017)



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